

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-CV-10126-RGS

RITA PERROTTI (PRO SE)

v.

MICHAEL O. LEAVITT, Secretary of
the U.S. Department of Health and Human Services

ORDER ON PLAINTIFF'S
MOTION FOR RECONSIDERATION

February 22, 2006

STEARNS, D.J.

The motion is DENIED. Not only is the government correct on the merits of the Complaint, but also plaintiff's neglect is not excusable nor excused by her pro se status. See FDIC v. Anchor Properties, 13 F.3d 27, 31 (1st Cir. 1994). Moreover, while there is no dispute that Ms. Perrotti's medical condition mandated transport by ambulance, the record also demonstrates that Ms. Perrotti could receive the medical care she required at Speare Memorial Hospital in Plymouth, New Hampshire. Consequently, transport to another hospital was not medically necessary. See 42 U.S.C. § 1395y(a)(1)(A); 42 C.F.R. § 410.40(a)(1).

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE